

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 14, 2002

IN RE:

ALL TELEPHONE COMPANIES TARIFF  
FILINGS REGARDING  
RECLASSIFICATION OF PAY  
TELEPHONE SERVICE AS REQUIRED BY  
FEDERAL COMMUNICATIONS  
COMMISSION (FCC) DOCKET 96-128

)  
)  
)  
)  
)  
)  
)

DOCKET NO. 97-00409

---

ORDER SETTING PROCEDURAL SCHEDULE

---

This docket came before the Pre-Hearing Officer for consideration of a letter filed by United Telephone-Southeast, Inc. ("United") on March 1, 2002 pursuant to the *Order on February 26, 2002 Status Conference* issued by the Pre-Hearing Officer on February 28, 2002.

On February 26, 2002, the Pre-Hearing Officer convened a Status Conference to discuss the *Motion to Compel Responses to Second Data Requests* filed by the Tennessee Payphone Owners Association ("TPOA") on December 28, 2001, a letter filed by United on December 28, 2001, and United's *Response to TPOA's Motion to Compel* filed on January 11, 2002. During the conference, it became apparent that the parties had resolved all outstanding discovery disputes with two exceptions. The first exception is the alleged failure of United to respond to request number 5(e) of TPOA's second set of discovery requests, and the second exception is the alleged failure of TPOA to respond to United's first set of discovery requests. After considering the parties' comments, the Pre-Hearing Officer ordered the parties' to have their subject matter experts discuss the response to request number 5(e) by the end of the day. The Pre-Hearing Officer further instructed the parties to file by noon, March 1, 2002 a letter explaining any

agreements reached as to the two discovery exceptions, proposing a procedural schedule, and stating whether the Authority should set United's payphone access line rate based only on the written record.

On March 1, 2002, United filed a letter in which it stated that the TPOA concurred. In the letter, the parties agreed on the specific information United needed to provide to fulfill its obligation to respond to TPOA's request number 5(e). The parties further agreed that United would provide the response by April 1, 2002.<sup>1</sup> The letter also contained a procedural schedule including a date for when the TPOA would respond to United's discovery requests. As to the possibility of resolving this matter based on the written record, United stated that it would not be able to state whether such is a possibility until it receives the TPOA's responses to United's discovery requests.

Having considered the parties' proposed schedule and the related agreements, the Pre-Hearing Officer adopts the following procedural schedule:

- |                                   |  |
|-----------------------------------|--|
| <b>Monday, April 1, 2002</b>      | <ul style="list-style-type: none"><li>• United provides its final response to TPOA's discovery requests as described in the March 1, 2002 letter</li></ul>   |
| <b>Monday, April 8, 2002</b>      | <ul style="list-style-type: none"><li>• TPOA provides United the payphone rate TPOA supports</li><li>• TPOA responds to United's pending discovery requests</li></ul>  |
| <b>Thursday, April 11, 2002</b>   | <ul style="list-style-type: none"><li>• United files additional discovery requests, if needed</li></ul>  |
| <b>Thursday, April 18, 2002</b>   | <ul style="list-style-type: none"><li>• TPOA responds to additional discovery</li></ul>  |
| <b>Thursday, April 25, 2002</b>   | <ul style="list-style-type: none"><li>• Parties file pre-filed direct testimony</li></ul>  |
| <b>Thursday, May 2, 2002</b>      | <ul style="list-style-type: none"><li>• Parties file pre-filed rebuttal testimony</li></ul>  |
| <b>Monday, May 6, 2002</b>        | <ul style="list-style-type: none"><li>• United shall inform the Authority by no later than 12:00 noon as to whether it believes the remaining issue in this Docket can be resolved based on the written record</li></ul> |
| <b>Wednesday, May 8 –10, 2002</b> | <ul style="list-style-type: none"><li>• Hearing (if necessary)</li></ul>   |

---

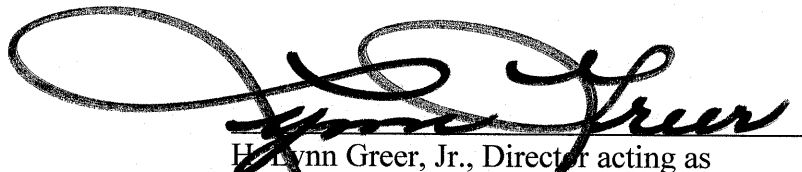
<sup>1</sup> United reserved its right to object to the requested information as being irrelevant.

The Pre-Hearing Officer encourages the parties to continue their efforts to reach a settlement. Nevertheless, the Pre-Hearing Officer cautions the parties that any agreed rate must satisfy the new services test and is subject to approval by the Authority. Therefore, the Pre-Hearing Officer directs that any settlement presented to the Authority explain how the proposed rate complies with the new services test and Federal Communications Commission and Tennessee Regulatory Authority rulings.

**IT IS THEREFORE ORDERED THAT:**

1. All filings shall be made in accordance with the Procedural Schedule set forth herein. Filings shall be filed in the Executive Secretary's office by 2:00 p.m. on the specified date as provided for in Rule 1220-1-1-.11, unless otherwise directed herein, and served on each of the parties via hand-delivery or facsimile. Testimony of witnesses shall be filed individually, separately paginated, and contain the caption of the case on the first page.

2. Any settlement presented to the Authority for approval shall explain how the proposed rate complies with the new services test and Federal Communications Commission and Tennessee Regulatory Authority rulings.



H. Lynn Greer, Jr., Director acting as  
Pre-Hearing Officer

ATTEST:



K. David Waddell, Executive Secretary